



Written Statement: House Hearing, Sept. 28, 2021

<p>Presenter: Patrice Johnson Pure Integrity for Michigan Elections</p> <p>https://pureintegritymichiganelections.org, purintegrityforme@gmail.com,</p> <p>In support: Eaton County Republican Women's Alliance</p>	<p>Before the Michigan House Standing Committee on Elections and Ethics, Representative Ann Bollin, Chair Tuesday, Sept. 28, 2021, 12:00 p.m., Room 326, House Office Building, Lansing, MI Committee Clerk, Amy Rostkowycz, (517) 373-1260, arostkowycz@house.mi.gov</p>
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Pure Integrity for Michigan Elections is a grassroots group composed of more than 350 supporters, located primarily in Ingham, Eaton, and Jackson counties. In order to achieve its mission, to help restore election integrity to Michigan Elections, PIME analyzes current election bills and laws with an eye toward closing gaps and opportunities for abuse by those who would undermine free and fair elections.

We appreciate our legislators' hard work and seek to work alongside them to achieve maximum transparency, checks and balances, ethics, and integrity in election law.

PIME is a peaceful, issue-based, nonpartisan political movement that welcomes all who support election integrity and the US and Michigan Constitutions.

Pure Integrity for Michigan Elections wishes to express appreciation to representatives Koleszar and Slagh, and Senator Johnson for introducing legislation intended to make our elections more fair and free. Thank you also to the House Standing Committee on Elections and Ethics and to its chair, Representative Ann Bollin.

Agenda:

1. HB 5258 (Rep. Koleszar, D) Elections; candidates; transmission of proof copies of the ballot to candidates; allow clerks to email.

PIME Position: No position.

2. HB 5252 revised. (Rep. Slagh, R) Elections; ballot proposals; secretary of state to post on the departments website a summary of and the date a ballot petition is received; require.

PIME Position: Support with amendment

Rationale for amendment: In order to provide for greater transparency and to prevent incomplete, unclear, or misleading summaries, each bill, petition, or citizen-initiated legislation that is summarized on the secretary of state's website should also be posted on the SOS's website in its entirety.

AMEND Section 475 (1): In addition, upon the filing of a petition under this chapter, the secretary of state shall immediately post on the department of state's website a summary [RECOMMEND TO ADD: and the complete text] of the proposed amendment or question proposed and the date the petition was filed with the secretary of state.

3. SB 212 (Sen. Johnson) Elections; candidates; affidavit of identity; expand, and clarify requirements.

PIME Position: Support

4. SB 311 (Sen. Johnson) Elections; absent voters; electronic return of absentee ballots by military voters using Department of Defense Common Access Cards; allow.

PIME Position: Oppose and amend.

Rationale: Significant reasons require opposition to this bill:

1. **Risk of creep.** Do not open the door to the return of electronic ballots or to online voting using electronic signatures. As evidence of the inevitable creep of the proposed amendments, this bill has expanded from allowing military service members to vote electronically to include their spouses, dependents, and a broad sweep of “overseas voters”:

(18)a(iii) A spouse or dependent of a member referred to in subparagraph (i) or (ii) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(18)b(i) Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States.

(18)b(ii) Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States.

(19) (ii) A person who resides outside of the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States.

(iii) A person who resides outside of the United States and who, but for such residence outside of the United States, would be qualified to vote in the last place in which he or she was domiciled before leaving the United States.

2. **Ambiguous definition of overseas voters.** This bill should be amended to define “overseas voters” as legal citizens employed in the military or in the employ of a government agency.
3. **Questionable benefit.** It is unclear what issue this proposal is solving. For the convenience of our service members, existing statutes already allow a ballot to be transmitted electronically to the service member, and then printed, signed, and mailed back to the clerk.

The clerk can then process these absentee ballots and return envelopes in the same manner as other absentee ballots. Although it provides some additional convenience to military service members, it would place an additional burden on the clerks for the preservation, authentication, and storage of the email communications and records.

4. **Unequal process.** Equal rules and standards should apply to all voters, and this bill creates an unequal process with unequal verification standards or checks and balances.
5. **No audit trail.** Lost in this proposed process is a physical voting record that is endorsed via the voter’s physical hand signature and that can be preserved and audited in a manner similar to all other absentee ballots and envelopes.
6. **Wrong direction.** Allowing email ballot returns opens the door and is a steppingstone to the expansion of universal electronic absentee voting. As far back as the bipartisan Carter-Baker commission, the risk of vote fraud with mail-in ballots was well documented and opposed. Opening the door to electronic balloting would create an exponential increase in the risk of fraud.
7. **Increased expense.** To quote the *Senate Fiscal Analysis*, “Senate Bill 311 (S-1) could have a negative fiscal impact in the form of additional costs for the Department of State to promulgate rules to develop policies and procedures for the electronic return of voted ballots by eligible members.” And: “The Department's ability to absorb the cost within current appropriations would depend on the actual costs of developing the web portal and on its capabilities to add this portal to its current website.”

8. **Undermines identity verification.** This bill would circumvent the limited identity verification methods that currently apply to all voters. (See PIME’s recommendations for standards as defined in its rationale for opposing S8 below.)
9. **How to prevent multiple registrations?** Our current voter registration system is not set up to ensure that voters can register in only one precinct. Given this issue, Sec. 759a(3) raises the question: *How to ensure each overseas citizen registers to vote in one and only one precinct?*
10. **Local control.** Only city, village, and township clerks should be sending out absentee ballots.
11. **Insulation from federal interference.** To avoid federal changes to electronic balloting, the bill should specify the return of paper ballots only.

Recommended changes to the SUBSTITUTE FOR SENATE BILL NO. 31 include but are not limited to the following:

Sec. 759a.(2) Upon the request of an absent uniformed services voter or an overseas voter, the clerk of a **[RECOMMEND TO DELETE: county,]** city, township, or village shall electronically transmit a blank voter registration application or blank absent voter ballot application to the voter. The clerk of a **[RECOMMEND TO DELETE: county,]** city, township, or village shall accept a completed voter registration application or completed absent voter ballot application electronically transmitted by an absent uniformed services voter or overseas voter.

(3) [HOW TO ENSURE AND VERIFY THAT THIS CITIZEN REGISTERS TO VOTE IN ONE AND ONLY ONE PRECINCT?] A spouse or dependent of an overseas voter who is a citizen of the United States, is accompanying that overseas voter, and is not a qualified and registered elector anywhere else in the United States, may apply for an absent voter ballot even though the spouse or dependent is not a qualified elector of a city or township of this state.]

(4) Upon receipt of an application for an absent voter ballot under this section that complies with this act, **[RECOMMEND TO DELETE: a county,]** city, village, or township clerk shall forward to the applicant the absent voter ballots requested, the forms necessary for registration, and instructions for completing the forms.

(5) ~~[RECOMMEND TO DELETE: county,]~~ city, township, or village clerk shall electronically transmit...

(6) Upon the request of an absent uniformed services voter or overseas voter, the clerk of a county, city, township, or village shall electronically transmit an absent voter ballot to the voter. The ~~[RECOMMEND TO DELETE: Except as otherwise provided in this subsection, the]~~ voter shall print the absent voter ballot and return the voted ballot by mail to the appropriate clerk. ~~[RECOMMEND TO DELETE: A member of a uniformed service on active duty, by reason of being on active duty, or a member of the merchant marine, by reason of service in the merchant marine, who is absent from the United States and does not expect to return to the residence where the member is otherwise qualified to vote before an election may electronically return a voted ballot to the appropriate city or township clerk to be counted under the policies and procedures established by the secretary of state as set forth in subsection (17).]~~

(7) Each ~~[RECOMMEND TO DELETE: county,]~~ city, township, or village clerk shall employ the prescribed electronic ballot formats to fulfill an absent voter ballot request received from an absent uniformed services voter or overseas voter who wishes to receive his or her absent voter ballot through an electronic transmission.

(10) An absent uniformed services voter or an overseas voter who submits an absent voter ballot application is eligible to vote as an absent voter in any local, state, or federal election occurring in the calendar year in which the election is held for that ballot requested if the absent voter ballot application is received by the county, city, village, or township clerk ~~[RECOMMEND TO ADD: of the voter's single US residence of record]~~ not later than 2 p.m. of the Saturday before the election.

(13) An absent uniformed services voter or an overseas voter may use the ~~[RECOMMEND TO ADD: paper,]~~ federal write-in absentee ballot, in accordance with the provisions of the uniformed and overseas citizens absentee voting act, at a regular election or special election to vote for a local, state, or federal office or on a ballot question. An ~~[RECOMMEND TO DELETE: Except as otherwise provided in this subsection, an]~~ An absent uniformed services voter

or an overseas voter who uses the [ADD: paper] federal write-in absentee ballot shall return his or her voted federal write-in absentee ballot by mail to the appropriate clerk. [RECOMMEND TO DELETE: A member of a uniformed service on active duty, by reason of being on active duty, or a member of the merchant marine, by reason of service in the merchant marine, who is absent from the United States and does not expect to return to the residence where the member is otherwise qualified to vote before an election may electronically return a voted ballot to the appropriate city or township clerk to be counted under the policies and procedures established by the secretary of state as set forth in subsection (17)].

[RECOMMEND TO DELETE: (17) The secretary of state shall promulgate rules that establish policies and procedures for the electronic return of voted ballots by eligible members. In promulgating rules that establish the policies and procedures for the electronic return of voted ballots by eligible members, the secretary of state shall require an eligible member to use a United States Department of Defense verified electronic signature, as that term is defined in section 18a, so that the identity of the eligible member can be verified utilizing those policies and procedures. A member who is unable or unwilling to provide a United States Department of Defense verified electronic signature is not eligible to electronically return a voted ballot. The secretary of state shall take reasonable steps to ensure the integrity and secrecy of voted ballots returned electronically. The secretary of state may develop and maintain a secure web portal on the secretary of state's website to facilitate the electronic return of voted ballots by eligible members. No later than January 1, 2022, the secretary of state shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to implement this subsection, and the secretary of state must allow for the electronic return of voted ballots by eligible members starting no later than the 2022 August primary election. As used in this subsection, "eligible member" means a member of a uniformed service on active duty or a member of the merchant marine, as described in subsection (6) or (13)].

5. SB 8 (Sen. Wojno, D) Elections; absent voters; definition of United States Department of Defense verified electronic signature; provide for.

PIME Position: Oppose.

Rationale: The proposed amendment defines the digital identification code to be used for electronic verification of an electronic ballot submitted by a military service member and omits to define standards for non-military “overseas voters.” It is inadvisable to have electronic voting, military or otherwise, so this measure is unnecessary.

Further, as explained in the Maricopa County, Arizona, forensic audit, banking systems use a 27-point signature verification process, and absent ballot signatures should be subject to the same verification standards. In fact, Arizona law requires that absent ballot envelopes will be verified according to these standards. Had these standards been in effect during the 2020 election, bank-level signature verification would have protected the integrity and helped ensure the authenticity of absent voter ballots.

The 27-point verification, banking-level process, should be instituted in Michigan elections and protected with rigor. (See *Pattern Recognition Classification of Early Voting Ballot (EVB) Return Envelope Images for Signature Presence Detection: An Engineering Systems Approach to Identify Anomalies to Advance the Integrity of U.S. Election Processes* by Dr. Shiva Ayyadurai, MIT PhD, https://c692f527-da75-4c86-b5d1-8b3d5d4d5b43.filesusr.com/ugd/2f3470_05deb65815ab4d4b83938d71bc53459b.pdf)

Respectfully submitted,

Patrice Johnson, Chair, Pure Integrity for Michigan Elections	Katherine Schmidt and Libby Ranshaw, Eaton County Republican Women’s Alliance
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